

# Exhibit 13

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

- - -

THE STATE OF TEXAS, et al.,  
Plaintiffs,

v. Civil Action No.  
GOOGLE LLC, 4:20-cv-00957-SDJ  
Defendant.

- - -

April 5, 2024

- HIGHLY CONFIDENTIAL -

Videotaped deposition of  
[REDACTED] held at Freshfields,  
Bruckhaus, Deringer, 170 Greenwich Street,  
New York, New York, commencing at 8:00  
a.m. EDT, on the above date, before Marie  
Foley, a Registered Merit Reporter,  
Certified Realtime Reporter and Notary  
Public.

- - -

Job No. MDLG6626470

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A P P E A R A N C E S:

NORTON ROSE FULBRIGHT US LLP

BY: M. MILES ROBINSON, ESQUIRE

GERALDINE YOUNG, ESQUIRE

DANIELLA TORREALBA, ESQUIRE

Fulbright Tower

1301 McKinney, Suite 5100

Houston, Texas 77010-3095

713.651.5151

m.miles.robinson@nortonrosefulbright.com

THE LANIER LAW FIRM

BY: ZEKE DeROSE, III, ESQUIRE (via Zoom)

10940 W. Sam Houston Parkway N

Suite 100

Houston, Texas 77064

713.659.5200

zeke.derose@lanierlawfirm.com

Representing the Plaintiff States of

Texas, Idaho, South Dakota and

North Dakota

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A P P E A R A N C E S: (Cont.)

FRESHFIELDS BRUCKHAUS DERINGER LLP

BY: SARA SALEM, ESQUIRE

TINA LaRITZ, ESQUIRE

JUSTINA SESSIONS, ESQUIRE

LAUREN VACA, ESQUIRE (via Zoom)

700 13th Street, NW

10th Floor

Washington, DC 20005-3960

202.777.4400

sara.salem@freshfields.com

Representing the Defendant

ALSO PRESENT:

Steve Sparling, Google in-house counsel

ALSO PRESENT VIA ZOOM:

Trevor Young, Texas Attorney

General's Office

Melonie DeRose, Lanier Law Firm

Jonathan D. Jaffe, Mayer Brown

Cuong Pham

1

2

3 EXHIBIT TECHNICIAN:

4 Ray Moore (via Zoom)

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7 VIDEOGRAPHER:

8 Danny Ortega

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2 comment's overall goal to highlight the  
3 needs of end-users, right?

4 A. The comment's referring to the  
5 specific content on the slide to which I  
6 testified I don't know specifically what  
7 it's referring to in regard to the  
8 underlying text. And the comment, I  
9 didn't make the comment.

10 I'm comfortable testifying that  
11 generally we put -- not generally. We put  
12 the interests of our customers and users  
13 first.

14 MR. ROBINSON: Okay.

15 I want to move to a new exhibit  
16 that is Bates stamped  
17 GOOG-AT-MDL-012527114.

18 (Exhibit 55, email with  
19 attachment, Bates  
20 GOOG-AT-MDL-012527114-154, was marked  
21 for identification, as of this date.)

22 BY MR. ROBINSON:

23 Q. Now, this is a big document, but  
24 I will only be asking you about just a  
25 fraction of it.

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6

So, just looking at the first couple pages -- actually, looking at the first page, do you see that this is a email dated July 20th, 2010 from a Neal Mohan?

7

8

A. Yes, I see this is an email sent by Neal Mohan on July 20th, 2010.

9

Q. Who is Neal Mohan?

10

11

A. Neal Mohan is an executive at Google.

12

13

Q. And what -- what is his position at Google?

14

15

A. I believe he's the current CEO of YouTube.

16

17

Q. And do you see the subject line that says: [REDACTED] [REDACTED]

18

19

[REDACTED]  
[REDACTED]?

20

A. Yes, I see that subject line.

21

22

23

24

Q. And Invite Media, we spoke about this earlier, Invite Media is the company you were at before Google acquired it, right?

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A. Invite Media was my employer and

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was acquired by Google and is how I became an employee of Google.

Q. And you were an employee at Invite Media in July of 2010?

A. I was officially an employee of Google at that time as a part of the Invite Media business unit.

Q. And what was Neal Mohan's position at this time in July 2010?

A. I don't know his specific title, but I believe he was running the product and engineering organization for DoubleClick as a business unit as well as at least the Invite Media team that was acquired into Google.

Q. So can you see the next couple of pages are a giant list of email addresses, and make it a little easier because your name appears the bottom right-hand corner number is 12527117, and you're about middle bottom of the page towards the right-hand side and I think arrange -- it appears to be arranged by alphabetical order of the recipients'



1

2 first names.

3 There are a lot of times, but  
4 let me know whenever you find yours.

5 A. I found my name.

6 Q. So you received this email,  
7 right?

8 A. Presumably, yes. It was sent to  
9 my Google address at a time I worked at  
10 Google.

11 Q. Now, the -- the very next page,  
12 the email addresses finally end, and this  
13 appears to be an email again from Neal  
14 Mohan, right? That starts with: Thank  
15 you to Neal?

16 MS. SALEM: Object to form.

17 A. The email that you're  
18 referencing here does not seem to be  
19 written by Neal Mohan. It seems to be  
20 thanking Neal Mohan.

21 Q. You're right. The email appears  
22 to be from, if we go back to the very  
23 first page, from a [REDACTED] [REDACTED] [REDACTED].

24 Do you see that on the first  
25 page?

1

2 A. I do see that.

3 Q. And it's dated July 20th, 2010,  
4 right?

5 A. Yes.

6 Q. Who is [REDACTED] [REDACTED] [REDACTED] ?

7 A. I don't recognize that name  
8 specifically.

9 Q. But the email, if we go the  
10 actual body of the email it reads: Thank  
11 you to Neal and everybody -- and everyone  
12 who attended today's Display, Platforms,  
13 Agency & Invite Media All-Hands. Attached  
14 please find Neal's presentation with the  
15 updated slides. In response to Sabrina's  
16 query, you can direct all inbounds for  
17 Invite Media to invitemediasales.

18 Did I read that correctly?

19 A. Yeah.

20 Q. So, with you being on this email  
21 thread, did you attend this all-hands that  
22 [REDACTED] is referring to?

23 A. I do not recall.

24 Q. Do you have any reason to think  
25 that you didn't go to this all-hands

1

2 meeting?

3 A. I don't recall if I attended  
4 this all-hands meeting or not.

5 Q. Can I assume correctly if it  
6 says it's a Invite Media all-hands and  
7 you're -- if you were an account director  
8 at Invite Media and you're listed on the  
9 email that you probably attended this  
10 all-hands?

11 A. The all-hands was for Display,  
12 Platforms, Agency & Invite Media. It  
13 seems to be a much larger group of people,  
14 and it would not have been out of ordinary  
15 course for me to miss a meeting if I had a  
16 customer engagement, for example.

17 Q. But you can't recall one way or  
18 another?

19 A. I don't recall if I attended  
20 this meeting.

21 Q. And at this point in July of  
22 2010, Google had purchased Invite Media?

23 A. I believe so, yes.

24 Q. So I want to go to the actual  
25 presentation itself and on the page marked

1

2 at the bottom right-hand corner 012527120,  
3 the first slide.

4 Do you see that?

5 A. Yes.

6 Q. And it's titled: Agency Display  
7 Update. The right ad to the right  
8 audience. Neal Mohan, VP, Product  
9 Management. June 29th, 2010.

10 Am I reading that correctly?

11 A. Yes, that's what the slide title  
12 says.

13 Q. Now, I want you to just glance,  
14 we're going to go a couple pages down from  
15 this, but if you wouldn't mind just  
16 glancing at these slides and I'm going to  
17 ask you about the page marked 12527124.

18 (Pause.)

19 Just let me know when you've  
20 gotten to that slide.

21 (Pause.)

22 A. Yes, I've gotten to that slide.

23 Q. Now that you've glanced at least  
24 at the first couple of slides, do you  
25 recall this presentation from Mr. Mohan?

1

2           A.       I don't recall seeing this  
3 presentation from Mr. Mohan.

4           Q.       But looking at this slide, it's  
5 titled: A Fragmented Technology  
6 Landscape.

7                   Do you see there's a number of  
8 company logos on the slide, right?

9           A.       Yes.

10          Q.       And while the text is a little  
11 small, do you recognize any company logos  
12 here that were ultimately acquired by  
13 Google?

14                   MS. SALEM: Object to form.

15          A.       Yes, I recognize, for example,  
16 Invite Media's logo is on this slide.

17          Q.       And which -- which category do  
18 you see Invite Media in?

19          A.       Invite Media is listed as a DSP.

20          Q.       And do you see any other  
21 company -- company names here that you  
22 recognize that Google ultimately acquired?

23          A.       Well, DoubleClick is on this  
24 slide with its own logo, but was already  
25 part of Google at the time, so that wasn't

1

2 a future acquisition.

3

Q. 'Cause at one point in time,  
4 DoubleClick was a separate company from  
5 Google, right?

6

A. Correct.

7

Q. And do you recall when Google  
8 acquired DoubleClick?

9

A. I believe 2008, but I don't know  
10 with precision.

11

Q. And do you recognize any other  
12 company names here that Google ultimately  
13 acquired?

14

For example, I see in the  
15 Performance category more towards the  
16 bottom right-hand side I see AdMob listed.

17

Did Google ultimately acquire  
18 AdMob?

19

A. Yes, I believe Google did --  
20 well, I don't believe. Yes, Google  
21 acquired AdMob.

22

Q. Do you recall when that was?

23

A. I believe in a similar time  
24 frame to Invite Media, around 2010. I  
25 don't know the precise date.

1

2 Q. And do you -- do you see any  
3 other companies that we haven't already  
4 talked about?

5 A. Google made an acquisition on  
6 the sell-side of the business that I had  
7 mentioned earlier in my testimony. I  
8 believe it was Admeld. I sometimes mix up  
9 the name with another sell-side company.

10 Q. Would you mind repeating the  
11 name of that company?

12 A. I believe the company that was  
13 the SSP acquisition into our sell-side  
14 product area was Admeld, but I sometimes  
15 mixup the name with other sell-side  
16 products.

17 Q. So multiple acquisitions  
18 since -- since 2010, right?

19 A. Yes, Google made more than one  
20 acquisition since 2008 when DoubleClick  
21 was acquired, based on my memory.

22 Q. I want to turn to the very next  
23 page. That first full paragraph sentence  
24 says: We're focused on simplifying the  
25 buying and selling of display ads.

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2

Do you see that?

3

A. I see that sentence.

4

5

Q. Do you know what Mr. Mohan meant by that sentence?

6

MS. SALEM: Object to the form.

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A. I was -- I don't recall being in this presentation and I certainly wasn't in Neal's mind when he was writing what was -- appears to be the speaker notes for the slide. So I don't know what specifically he would have meant by this sentence, no.

14

15

16

Q. So if you don't recall this presentation, who would be a better person I could ask about this presentation?

17

18

A. Presumably folks who were part of the ownership of the document.

19

Q. Like Mr. Mohan?

20

MS. SALEM: Object to the form.

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A. Presumably if it was his presentation, he could be someone who would be most familiar with the intent at the time.

25

Q. And he did present this



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2 presentation though, right?

3

4 A. I don't know if he presented the  
5 presentation or not.

6

7 As I testified earlier, I don't  
8 recall this meeting.

9

10 Q. I want to go back a couple pages  
11 to page marked 012527120.

12

13 Just let me know when you're  
14 there.

15

16 A. Yeah, this is the cover page of  
17 the slide; is that correct?

18

19 Q. And it says there underneath the  
20 title: Neal Mohan, VP, Product  
21 Management.

22

23 Right?

24

25 A. That's what it says on the title  
slide.

26

27 Q. So presumably, if his title's  
28 right there, he was probably the person  
29 that presented this presentation, right?

30

31 A. Sorry, I'm referencing back the  
32 email: In response to Sabrina's query you  
33 can direct all inbounds. Attached please  
34 find Neal's presentation with the updated

1  
2 slides.

3 I was not in the meeting. I  
4 don't recall the presentation. Based on  
5 the context that presumably this is the  
6 slide deck that was attached to the email,  
7 these are the slides from what's referred  
8 to as Neal's presentation.

9 I don't know if there would have  
10 been other presenters as well.

11 Q. Did you ever talk to Mr. Mohan  
12 about the Invite Media acquisition?

13 A. At the time that I would have  
14 worked with Mr. Mohan, he was quite senior  
15 to me. I would not have talked to him, I  
16 don't have any recollection of talking to  
17 him about the acquisition, no.

18 Q. By you were included in the  
19 invite list for this -- for this  
20 all-hands, right?

21 A. Yes, the all-hands generally  
22 refers to all individuals who work across  
23 the business area, and I was a part of the  
24 Invite Media team which was one of the  
25 teams included in the meeting invitation.

VERITEXT LEGAL SOLUTIONS

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